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CLAYTON HOWARD

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
CLAYTON HOWARD,  
  
Defendant.

Case No.: 2:20-cr-090 MCE

STIPULATION AND ORDER  
CONTINUING STATUS CONFERENCE  
AND EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

Date: April 29, 2021  
Time: 10:00 a.m.  
Court: Hon. Morrison C. England, Jr.

Plaintiff United States of America by and through Assistant United States Attorney  
Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate  
as follows:

1. This matter is presently set for a status conference on April 29, 2021. The parties  
previously set the matter by stipulation for status conference on April 22, 2021. The  
court on its own motion continued the status conference to April 29, 2021. (ECF  
ORDER CONTINUING STATUS  
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1 Entry 19). The defense requests to continue the status conference to June 24, 2021.

2 The government does not oppose the request.

- 3
- 4 2. This case involves a felon in possession of ammunition charge stemming from
- 5 execution of a search warrant in San Joaquin County. Defendant appeared for
- 6 arraignment on the charge contained in the Indictment on July 15, 2020. The
- 7 government has provided written reports related to execution of the search warrant to
- 8 defense counsel as discovery materials.
- 9
- 10 3. Defense investigation of this matter has been hampered due to measures taken by
- 11 federal and state authorities in response to the COVID-19 pandemic. Specifically,
- 12 pandemic restrictions have delayed the ability of the defense to conduct in-person
- 13 interviews of potential witnesses and to obtain relevant records needed to evaluate
- 14 potential defenses and for purposes of mitigation in the event of a negotiated
- 15 disposition. Defendant Howard therefore requests to continue this matter to June 24,
- 16 2021.
- 17
- 18 4. Defendant Howard is being held in pre-trial detention at the Sacramento County Main
- 19 Jail. During the entire time since Mr. Howard's arrest in this matter, federal
- 20 courthouses in the Eastern District of California have been closed to public access.
- 21 General Order 630, issued on April 2, 2021, has extended public access restrictions to
- 22 federal courthouses in the district for up to 90-days from the date of the order. Recent
- 23 reduction in COVID-19 infection rates in the Sacramento area combined with
- 24 increasing distribution of vaccines are improving the ability of the defense to conduct
- 25 its investigation.
- 26
- 27

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- 1 5. Given the need for additional time to conduct defense investigation, Defendant  
2 Howard requests to continue the status conference in this matter to June 24, 2021, at  
3 10:00 a.m., and to exclude time between April 22, 2021 and June 24, 2021, inclusive,  
4 under Local Code T-4.  
5
- 6 6. Attorney Todd Leras represents and believes that failure to grant additional time as  
7 requested would deny Defendant Howard the reasonable time necessary for effective  
8 preparation, considering the exercise of due diligence.  
9
- 10 7. Based on the above-stated facts, Defendant Howard requests that the Court find that  
11 the ends of justice served by continuing the case as requested outweigh the best  
12 interest of the public and the Defendant in a trial within the time prescribed by the  
13 Speedy Trial Act.  
14
- 15 8. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*  
16 *seq.*, within which trial must commence, the time period of April 22, 2021 to June 24,  
17 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B)  
18 (iv) [Local Code T-4] because it results from a continuance granted by the Court at  
19 Defendant Howard's request on the basis that the ends of justice served by taking  
20 such action outweigh the best interest of the public and the Defendant in a speedy  
21 trial.  
22
- 23 9. Nothing in this stipulation and order shall preclude a finding that other provisions of  
24 the Speedy Trial Act dictate that additional time periods are excludable from the  
25 period within which a trial must commence.  
26

27 Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and

1 authorized Todd Leras via email to sign it on her behalf.

2  
3 DATED: April 21, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

4  
5 By /s/ Todd D. Leras for  
CAMERON DESMOND  
6 Assistant United States Attorney

7 DATED: April 21, 2021

8 By /s/ Todd D. Leras  
TODD D. LERAS  
9 Attorney for Defendant  
CLAYTON HOWARD  
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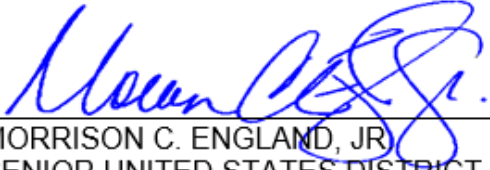
28 ORDER CONTINUING STATUS  
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**ORDER**

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for April 29, 2021 is vacated. A new status conference is scheduled for June 24, 2021, at 10:00 a.m. The Court further finds, based on the representations of the parties and Defendant Howard's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from April 22, 2021, up to and including June 24, 2021.

IT IS SO ORDERED.

Dated: April 26, 2021

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

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